

REMARKS – General

Claims 1-86 are pending in the application.

Claim Rejections under 35 USC §112:

The Office Action rejects claims 1, 31, and 64 as lacking antecedent basis for “the first device” and “the second device.”

With respect to claims 1 and 64, Applicant has amended each claim to recite “the first client” and “the second client.” With the amendment, Applicant respectfully submits the rejection is overcome and requests reconsideration of the same.

With respect to claim 31, Applicant respectfully traverses the rejection. Applicant respectfully submits that antecedent basis is provided in the preamble of claim 31. Applicant respectfully request reconsideration of the rejection.

Summary of the Final Office Action (OA) of February 22, 2008:

Claims 1-2, 4-9, 24, 28, 31-32, 34-38, 50, 55, 58, 61, 64, 66-73 and 81 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2006/0271993, App. No. 11/498,388 (published 11/30/2006) by Nakata et al. [hereinafter “Nakata”].

Claims 3, 33 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata in view of U.S. Patent Application Publication No. 2002/0049679, App. No. 09/827,469 (published 04/25/2002) by Russell et al. [hereinafter “Russell”].

Claims 10-23, 25-27, 29-30, 39-49, 51-54, 56-57, 59-60, 62-63, 74-80, 82-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakata in view of U.S. Patent Application Publication No. 2005/0028207, App. No. 10/925,826 (published 02/03/2005) by Finseth et al. [hereinafter Finseth”].

Claim Amendments:

Independent claims 1, 31, 62, 64, and 81 have been amended. Support for the amendment is found, for example, in FIG. 13 as originally filed and in paragraph [0092] of the specification as published.

Examiner's Response to Arguments Section:

Applicant kindly thanks the Examiner for a clear, succinct argument and response presentation set forth in the Response to Arguments section of the most recent Office Action.

Claim Rejections under 35 USC §102:

As noted in Applicant's response to the Office Action mailed January 11, 2007, and again in the response filed October 5, 2008, the system disclosed by Nakata is expressly tied to the Institute of Electrical and Electronics Engineers (IEEE) standard 1394. As set forth in this standard, which accompanied Applicants previous response, the standard applies to devices that locally interconnected on a single, wired bus, such as within the home. Exemplary devices used with the 1394 standard include a camcorder, printer, personal computer, or monitor.

Nakata's operation hinges upon this local, wired bus configuration. As emphasized in Nakata at paragraph [0012], "[a]ccording to IEEE 1394...devices are connected in a tree structure in which one device is handled as a root device and then grand child devices connected under the root device." As set forth in Nakata at paragraph [0037], "The AV system comprises an optical disk device 2, and monitor devices 3A and 3B which are connected through a bus BUS specified in IEEE 1394 to form a network." To be sure, the wired necessity of Nakata is stated time and time again, as shown below (with emphasis added). See, e.g., paragraph [0002], paragraphs [0012]-[0013], paragraph [0018], and paragraphs [0040]-[0041],

In the response filed October 5, 2008, Applicant noted that Applicant's invention provided capabilities not offered by the device of Nakata, in that Applicant's claimed invention enables the transfer of monitoring from one communication system to another. For instance, monitoring can be transferred from a cable box, operating on a cable

network, to a mobile device operating on a wireless network. The Examiner acknowledges this difference. For example, at page 5 of the most recent Office Action, the Examiner states that Nakata is silent about transferring monitoring licenses.

In the most recent Office Action, in the Response to Arguments section beginning at page 17, the Examiner notes that the transferring function is not recited in the independent claims. Applicant has now amended the claims to include this feature. Applicant respectfully submits Nakata has no disclosure of such a system.

Nakata teaches only a single communication system consisting of devices hard-wired to a single IEEE 1394 bus, where all monitoring is performed by a single entity. While the Office Action suggests that Nakata teaches such a multiple-communication system at FIG. 1, elements 3A and 3B, Applicant respectfully traverses this suggestion. Nakata expressly teaches at paragraph [0037], “The AV system comprises an optical disk device 2, and monitor devices 3A and 3B which are connected through a bus BUS specified in IEEE1394 to form a network.” Thus, no transfer occurs.

Claims 1, 31, 62, 64, and 81 each recite systems having multiple communication systems, where one device works with one communication system and another device works with another communication system, and further where monitoring of broadcast events is transferred between systems. As Nakata fails to teach the transfer of monitoring from a first device to a second device in such a fashion, Applicant respectfully submits that independent claims 1, 31, 62, 64, and 81 are patentably distinct from Nakata. Applicant respectfully requests reconsideration of the rejection of these claims.

Claims 2, 409, 24, 28, 32, 34-38, 50, 55, 58, 61, and 66-73 are all dependent claims, depending from their respective independent claims 1, 31, 62, 64, and 81. Applicant respectfully requests reconsideration of the §102 rejection to these claims in light of the comments above.

Claim Rejections under 35 USC §103:

As set forth in the most recent Office Action at page 5, Nakata fails to teach transferring a monitoring license from a first client to a second client prior to the launching step. Additionally, Nakata does not disclose the limitations of independent claims 1, 31, 62, 64, and 81 as noted above.

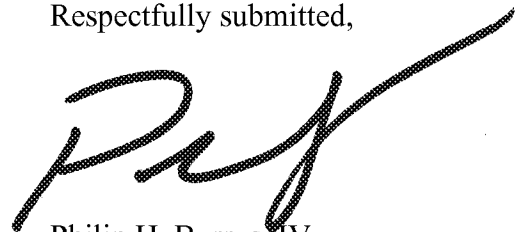
Regarding claims 3, 33, and 65, the addition of Russell fails to remedy this deficiency. Russell teaches only the transfer of a digital rights management key from one device to another. This device, as set forth by Russell at paragraph [0067] provides a secure environment for locally stored, licensed content to be executed. When combined with Nakata, the combination fails to teach the transfer of monitoring from one client to another because the combination requires the IEEE 1394 bus of Nakata. It is not clear under the disclosed circumstances how the transfer of a digital rights management certificate between devices coupled to a common IEEE 1394 bus would be beneficial, or how doing so would achieve Applicant's invention without disrupting the desired operation of the common IEEE 1394 system existing in the primary reference. As such, the alleged motivation is suspect, as it does not appear relevant given the context of the primary reference. This is in addition to the failure to fully support and or describe either one or both of the reference make know or obvious each an every feature of claim 1, as noted above. Further, the combination teaches away from Applicant's invention in that Nakata teaches non-transfer of control. For these reasons, Applicant respectfully requests reconsideration of the rejection to claims 3, 33, and 65.

Regarding claims 10-23, 25-27, 29-30, 39-49, 51-54, 56-57, 59-60, independent claim 62, claims 63, 74-80, 82-86, Applicant respectfully submits that the addition of Finseth to Nakata also fails to remedy the deficiencies set forth above. The combination of Finseth and Nakata both fails to teach and teaches away from Applicant's invention as does the combination of Russell and Nakata. For these reasons, Applicant respectfully requests reconsideration of the rejections to these claims.

CONCLUSION

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Burrus, IV', with a long, sweeping horizontal stroke extending to the right.

Philip H. Burrus, IV

Attorney for Applicants

Registration No.: 45,432

404-797-8111

404-880-9912 (fax)

pburrus@burrusiplaw.com